

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 09/02/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COMMODITY FUTURES TRADING	:	
COMMISSION,	:	
	:	
Plaintiff,	:	
	:	22-CV-3822 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
EDDY ALEXANDRE and EMINIFX INC.,	:	
	:	
Defendants.	X	

VALERIE CAPRONI, United States District Judge:

WHEREAS on July 25, 2022, the United States Attorney for the Southern District of New York moved to intervene and to stay all discovery pending the resolution of the criminal case that is pending against Defendant Eddy Alexandre, *United States v. Eddy Alexandre*, 22-CR-326, *see* Mot. Dkt. 73;

WHEREAS on August 12, 2022, Defendant Alexandre objected to the motion to completely stay discovery, proposing in the alternative that discovery other than depositions be allowed to proceed, but did not object to the motion to intervene, Def. Opp., Dkt. 107 at 28;

WHEREAS neither Plaintiff Commodity Futures Trading Commission nor the Court-appointed Receiver object to the motion to stay discovery completely, *see* Receiver Reply, Dkt 151; CFTC Reply, Dkt. 152;

IT IS HEREBY ORDERED that, for substantially the reasons provided by the United States Attorney, and in the interests of justice, the Court GRANTS both motions and STAYS all discovery in this case. As the Government noted, the criminal case against Defendant Alexandre is scheduled to be tried on March 27, 2023. *See* USAO Reply, Dkt. 157 at 1–2. Thus, this stay is for a limited

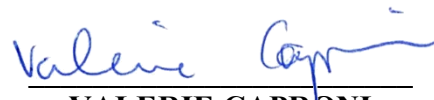
period, which will not prejudice any of the parties in the civil case; to the extent there is any prejudice, it is outweighed by considerations of judicial efficiency.

IT IS FURTHER ORDERED that if the currently scheduled trial date is adjourned, Defendant Alexandre can re-raise the question of whether discovery should proceed at that point. To the extent the trial date is adjourned at the request of the Defendant Alexandre, that request will be less likely to be favorably received than if the request to adjourn the trial date is made by the Government.

IT IS FURTHER ORDERED that the United States Attorney shall submit a letter to update the Court on the status of the related criminal proceedings every ninety days. The first update will be due on **December 1, 2022**. The United States Attorney shall notify the Court not later than one week after the end of criminal proceedings, not to include delays for sentencing, as against Defendant Alexandre.

SO ORDERED.

Date: September 2, 2022
New York, New York


VALERIE CAPRONI
United States District Judge